

Appl. No. 09/965,893
Amtd. dated June 24, 2005
Reply to Office action of March 28, 2005

REMARKS/ARGUMENTS

Applicants received the Office action dated March 28, 2005 in which the Examiner: (1) objected to the Declaration; (2) objected to claims 6 and 13; (3) rejected claim 26 under 35 U.S.C. § 112, second paragraph; (4) rejected claims 1-3, 7-9, 12-15, 17-18, 22-25, 27-28 and 32-34 under 35 U.S.C. § 102(e) as being anticipated by Ip (U.S. Pub. No. 2003/0046339); and (5) rejected claims 4-6, 10-11, 16, 19-21, 26, 29-31 and 35 under 35 U.S.C. § 103(a) as obvious over Ip in view of Smith (U.S. Pat. No. 6,792,515). With this Response, Applicants amend claims 6, 13, 22 and 25. Based on the arguments and amendments contained herein, Applicants believe this case to be in condition for allowance.

The Examiner objected to the Declaration apparently for failure to include the inventors' residential addresses. The Examiner correctly acknowledged, however, that an Application Data Sheet may supply the requisite inventor residential addresses. The Application Data Sheet in the present application does include all of the inventors' residential addresses. A courtesy copy of the Application Data Sheet as filed is hereby included for the Examiner's convenience.

The objections to claims 6 and 13 have been addressed by amendment. Amendments have also been made to claims 22 and 25 to address some possible antecedent basis issues.

The § 112, second paragraph, rejection of claim 26 is not clear. The claim requires "clearing any naming conflict flags after setting the new rack name." Applicants are unclear why the Examiner believes there to be an antecedent basis problem with this language. The claim appears to Applicants to be free of any antecedent basis problems. Clarification is respectfully requested to the extent the Examiner chooses to continue this ground of rejection.

The Examiner used the Ip reference under § 102(e) to reject all pending claims. Some claims stand rejected as anticipated by Ip, while other claims stand rejected as obvious over Ip in view of Smith. The filing date of the present application is September 28, 2001 and the filing of Ip is September 5, 2001, which

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is 22 days earlier. Accompanying this Response is a Rule 131 declaration by which Applicants swear behind the Ip reference. Accordingly, Ip does not constitute prior art to the present claims.

With Ip being unusable as prior art against the present application, all pending claims are patentable. As the Examiner will no doubt agree, the remaining Smith reference by itself does anticipate or render obvious any of the claims. For at least this reason, Applicants believe all claims to be allowable over the art of record.

Applicants remind the Office that one of the inventors, Michael Sanders, is deceased and, obviously, did not sign the Rule 131 declaration.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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